



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY URGES CITY COUNCIL FUND OFFICE BUDGET *City Council to hear City Attorney Budget on June 11, 2007*

City Attorney Michael Aguirre appeared before the City Council's Budget & Finance Committee this afternoon to further discuss the City Attorney's budget, requesting that the City Council support the original pledge by the Mayor's Office of May 7, 2007 to fund 12 of the 17 Deputy City Attorney positions. The City Attorney's budget will be finalized at the City Council meeting of June 11, 2007.

In addition, the City Attorney distributed a memorandum to the Committee, which provided a timeline of decisions made by the Mayor's Office regarding the City Attorney budget:

May 23, 2007

To: Honorable Councilmember Toni Atkins
Chair, Budget & Finance Committee

From: City Attorney Michael Aguirre

SUBJECT: FY '08 Budget for the Office of the San Diego City Attorney

This memorandum is directed at providing the essential facts upon which the City Attorney advocates a decision by the Council to fully fund the City Attorney's current attorney staff for the 2008 budget. There is no request for additional positions.

The City Attorney's office has been working with the financial management personnel to bring the budgeting for 17 Deputy City Attorneys into conformity with the Mayor's budget policy. On 7 February 2007 three lawyers and one budget staff member met with Mary Lewis in Financial Management to discuss the City Attorney's budget. Ms. Lewis recorded the events of the meeting in her email of 7 February 2007:

Thanks for an informative meeting and your work pulling together a lot of information. I wanted to summarize some of the open issues from the meeting regarding the FY08 budget.

Rimah and Juan are taking another look at the average salary analysis and also calculating the costs to implement merit raises. The amount needed for merit raises should be presented as a separate line item and an addition to the FY08 budget.

The CAO has several supplemental positions. These additional FTEs should be presented as o new adds to the FY08 budget with justifications.

I'd like to get a summary proposal by the end of the week if possible that shows the bottom line changes you are requesting based on the adds in PE and NPE (and any reductions) and a justification. This will be shared with Jay and Ronnie as we review the General Fund departments' submissions over the next weeks. (See Attachment 1)

On 15 February 2007 Larry Tomanek from the City Attorney's office provided a "recap of the Supplemental Positions added." (See Attachment 2)

There was additional discussion about adding the 17 supplemental positions to the City Attorney's budget during the mid-year correction proceedings before the Council. In furtherance of these discussions, on 15 February 2007 the City Attorney's office provided a "recap of the Supplemental Positions added" to Mary Lewis that were to be included in the City Attorney's mid-year budget adjustments. (See Attachment 3)

However, on 20 February 2007 Ms. Lewis informed the City Attorney's office that the plan to add the positions in the mid-year adjustment was not going forward: "We are not going to go ahead with mid year adjustments to add supplemental positions to the CAO budget." (See Attachment 3)

Ms. Lewis informed the City Attorney that the request to add the supplemental positions would have to be made in the FY08 proposed budget: "Your request to add positions will need to be made in the FY08 proposed budget." (See Attachment 3)

Acting upon Ms. Lewis' directive to include the 17 supplemental positions in the FY08 budget) City Attorney personnel added the 17 supplemental positions to the Financial Management Information System (FMIS). (See Attachment 4)

The City Attorney's office believed that the positions had been accepted into the system and that the supplemental attorney issue had been resolved. It was not until 21 March 2007 that budget staff of the City Attorney's office discovered that the supplemental positions had been rejected. (See Attachment 5)

The 17 supplemental positions are not "phantom" positions. Deputy City Attorneys serve in each of these positions, just as they did under former City Attorney Casey Gwinn, except for three Deputy City Attorneys which were added in 2004 by City Council Resolution and Ordinance creating a Public Finance & Disclosure Unit. It should be noted that the Mayor has conceded to funding the three positions comprising the Public Finance & Disclosure Unit.

The City Attorney's office has always worked cooperatively with financial management on budget issues. The fact that the supplemental employee issue was not solved last year does not provide a reasonable basis for forcing 17 City Attorneys to be laid off. With the exception of the Public Finance Unit, all of the other DCA positions (14.22) are in the Criminal Division of the City Attorney's Office.

The City Attorney believes the Council has several alternatives to provide the funding for the 17 positions. First, the Council could discontinue the Office of Ethics and Integrity which would save \$2, 400,244.¹ This one budget adjustment would provide the total amount needed to keep all 17 lawyers working for the City. Second, the City Attorney's office proposes to bring into the City additional revenues in the next fiscal year that would pay for all 17 positions. Third, Council member Frye has proposed that we seek reimbursement

¹ The Office of Ethics and Integrity proposes to double its staff from 7 to 14 and to increase its budget allotment from \$1.2 million to \$2.4 million an increase of more than 100%.

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from CCDC of amounts owed the City. Fourth, the additional funds allocated to the San Diego Chargers could be used because the amount due the Chargers is not yet a liquidated amount.

The City Attorney respectfully requests that the City Council not cut back the staff of the City Attorney's office in order to allow our office to continue to serve the People of San Diego.

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